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EXAMINER

WINDER, PATRICE L

| ART UNIT | PAPER NUMBER |
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2155

DATE MAILED: 04/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/060,867

Applicant(s)

BUSEY ET AL.

Examiner

Patrice Winder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13,15-19,22 and 24-70 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-13,15-19,22 and 24-70 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 25, 28.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code 103 not included in this action can be found in a prior Office action.
2. Claims 1-13, 15-19, 22, 24-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehud Shapiro, EPA 0 581 722 A1 (hereafter referred to as Shapiro) in view of Higley, USPN 5,790,793 (hereafter referred to as Higley).
3. Regarding claim 1, Shapiro taught a method for real time network communication (abstract), comprising:

forming a real time communications protocol connection between chat client and a chat server over a network communications connection (page 6, lines 36-38); and

the one of the chat client and the chat server sending the chat-session message on the real time communications protocol connection to the other of the chat client and the chat server (page 5, lines 53-56).

Shapiro does not specifically teach one of the chat client and the chat server embedding a markup language instruction in a chat session message. However, Higley taught one of the chat client and the chat server embedding a markup language instruction in a chat-session message (column 5, lines 2-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Higley's messages in Shapiro's interactive communication system would have improved system effectiveness. The motivation would have been to provide a mechanism for

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utilizing Higley's mechanism for simple mailing of network address utilizing a different network communications protocol (Higley, column 2, lines 1-2,13-17).

4. Regarding dependent claim 2, Higley taught the method of Claim 1 wherein the embedding comprises embedding a markup language instruction in the chat-session message, the markup language instruction being a hyperlink instruction (column 5, lines 2-5).

5. Regarding dependent claim 3, Shapiro taught the method of Claim 1 wherein the forming comprises forming a real time continuously open bi-directional communications protocol connection between the chat client and the chat server (page 5, lines 20-21, 46-47), and

the sending comprises the one of the chat client and the chat server sending the chat session message on the real time continuously open bi-directional communications protocol connection to the other of the chat client and the chat server (page 5, lines 53-56).

6. Regarding dependent claim 4, Shapiro taught the method of Claim 1 wherein the forming comprises forming a real time chat communications protocol connection between the chat client and the chat server (page 5, lines 20-21); and

the sending comprises the one of the chat client and the chat server sending the message on the real time chat communications protocol connection to the other of the chat client and the chat server (column 5, lines 53-56).

7. Regarding claim 5, Shapiro taught a method for real time network communication (abstract), comprising:

forming a real time communications protocol connection between a chat client and a chat server over a network communications connection (page 6, lines 36-38);

one of the chat client and the chat server receiving, a first chat-session message on the real time communications protocol connection (column 5, lines 53-56).

Shapiro does not specifically teach details about the messages. However, Higley taught the first chat-session message including a hyperlink instruction (column 5, lines 2-5);

parsing the first message to identity the hyperlink instruction included therein (column 5, lines 21-28); and

displaying the first message in accordance with the hyperlink instruction included therein (column 5, lines 28-41). For motivation for combination see claim 1, above.

8. Regarding dependent claim 6, Shapiro taught the method of Claim 5 and comprising

the one of the chat client and the chat server sending the second chat-session message on the real time communications protocol connection to the other of the chat client and the chat server (page 5, lines 53-56).

Higley taught one of the chat client and the chat Server embedding a hyperlink instruction in a second chat-session message (column 5, lines 2-5).

9. Regarding dependent claim 7, Higley taught the method of Claim 5 wherein the receiving comprises one of the chat client and the chat server receiving the first chat-session message on the real-time communication protocol connection, the hyperlink instruction being associated with a document address (column 5, lines 3-4),

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and comprising passing the document address to a document acquisition apparatus (column 5, lines 15-18).

10. Regarding dependent claim 8, Shapiro taught the method of Claim 5 wherein:

the forming comprises forming a real time chat communications protocol connection between the chat client and the chat server (page 6, lines 36-38), and the receiving comprises one of the chat client and the chat server receiving the first chat-session message on the real time chat communications protocol connection (page 5, lines 53-56).

11. Regarding dependent claim 9, Shapiro taught the method of Claim 5 wherein:

the forming comprises forming a real time continuously open bi-directional communications protocol connection between the chat client and the chat server (page 5, lines 20-21); and

the receiving comprises one of the chat client and the chat server receiving the first chat-session message on the real time continuously open bi-directional communications protocol connection (page 5, lines 53-56).

12. Regarding claim 10, Shapiro taught a method for real-time network communication (abstract), wherein the network includes network connection as formed between a plurality of chat client and a host, and respective real time communications protocol connections formed between a chat client and a chat server over the network connections (page 6, lines 36-38), the method comprising:

one of a chat client and a chat server receiving a chat-session message from the host through at least one of the real time communications protocol connections (page 5,

lines 53-56). Shapiro does not specifically teach details of the messages. However, Higley taught the network connection is a TCP/IP connection (column 5, lines 13-17) and the chat session message including a hyperlink language instruction (column 5, lines 2-8);

 parsing the chat-session message in the client sent the message by the host (column 5, lines 19-22); and

 displaying the chat-session message in the client sent the message by the host in accordance with the hyperlink language included therein (column 5, lines 27-41). For motivation for combination see claim 1, above.

13. Regarding dependent claim 11, Higley taught the method of Claim 10 wherein the receiving comprises one of the chat client and the chat server receiving the chat-session, message including the hyperlink language instruction, the hyperlink language instruction being associated with a document address (column 5, lines 2-8), and comprising:

 passing the document address, to a document acquisition apparatus (column 5, lines 27-41).

14. Regarding dependent claim 12, Shapiro taught the method of Claim 10 wherein: the real time communications protocol connections between the chat client and the chat server are real time chat communications protocol connections (page 6, lines 36-38), and

wherein the receiving comprises one of the chat client and the chat server receiving the message from the host through at least one of the real time chat communications protocol connections (page 5, lines 53-56).

15. Regarding dependent claim 13, Shapiro taught the method of Claim 10 wherein the real time communications protocol connections between the chat client and the chat server are real time continuously open bi-directional communications protocol connections (page 5, lines 20-21, 46-48), and

wherein the receiving comprises one of the chat client and the chat server receiving the message from the host through at least one of the real time continuously open bi-directional communications protocol connections (page 5, lines 53-56).

16. Regarding dependent claim 15, Higley taught the method of Claim 1 wherein the embedding comprises embedding the markup language instruction, the markup language instruction being an html instruction (column 5, lines 2-8).

17. Regarding dependent claim 16, Higley taught the method of Claim 15 wherein the embedding comprises embedding the html instruction, the html instruction being a hyperlink instruction (column 5, lines 2-8).

18. Regarding dependent claim 17, Higley taught the method of Claim 16 wherein the embedding comprises embedding the hyperlink instruction, the hyperlink instruction being associated with a URL (column 5, lines 2-5), and comprising: passing the URL to a Web browser (column 5, lines 27-41).

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19. Regarding dependent claim 18, Higley taught the method of Claim 15 wherein the embedding comprises embedding the html instruction, the html instruction being a bold tag (tag that can be encoded in HTML, column 5, lines 4-8).

20. Regarding dependent claim 19, Higley taught the method of Claim 15 wherein the embedding comprises embedding the html instruction, the html instruction being an italics tag (tag that can be encoded in HTML, column 5, lines 4-8).

21. The language of claims 22, 24-70 is substantially the same as previous rejected claims 1-13, 15-19. Therefore, claims 22, 24-70 are rejected on the same rationale as previously rejected claims 1-3, 15-19 above.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 703-305-3938. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-3662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrice Winder
Primary Examiner
Art Unit 2155

plw